

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

July 30, 2009

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Amy Valentine (W5), Chris Jackson (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: that the Minutes of the regular meeting of the Common Council held on July 23, 2009 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Jackson

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending July 29, 2009 in the amount of \$251,452.22 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Kelly

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of July 23-29, 2009
- Report from the Building Inspector's Office from March 2- July 27, 2009

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills approved by the Auditing Committee of the Common Council in the

amount of \$ 1,264,872.74 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Valentine; Seconded by Councilor Jackson
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

None

7. OTHER ITEMS

A. Motion to remove tabled item “Request from Councilor Kelly to develop an “Adopt a Spot” program in the City of Plattsburgh” from the table.

By Councilor Kelly; Second by Councilor Carpenter
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

B. RESOLVED: In accordance with the request therefore the Common Council approves Councilor Kelly to develop an “Adopt a Spot” program in the City of Plattsburgh.

By Councilor Kelly; Second by Councilor Valentine
Discussion:

Councilor Kelly wanted everyone to know that he is going to keep this small to start so that everything is done the right way and hopefully expand in the future. Kelly hopes to get quality adopters.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: The Common Council finds that the base bid of A.P. Reale and Sons in the amount of \$300,000.00 dollars is the lowest bid for the scope of work at the Akey Landfill, encompassed by the base bid plans and specifications and, therefore, the Common Council accepts such bid and awards the contract for such work to A.P. Reale and Sons.

By Councilor Jackson; Second by Councilor Carpenter
Discussion: None
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. Acceptance of Alternate Bid on Akey Road Landfill Closure Project.

The Common Council finds:

1. The Alternate Bids received include the scope of work in the Base Bid.
2. Since the low bidder for the Base Bid work is not the low bidder for the Alternate Bid work, a separate contract has been awarded for the Base Bid work.
3. Rifenburg Construction Inc. was the apparent low bidder for the Alternate Bid work, however, Rifenburg has advised the City that its Alternate Bid contains a mistake in that it fails to include the cost of the Base Bid scope of work.
4. In view of the fact that the face amount of Rifenburg's Alternate Bid is \$756,093 less than the next low Alternate Bid, and documentation provided by Rifenburg to the Environmental Engineer, the Common Council finds Rifenburg's Alternate Bid contains a mistake and consents to Rifenburg withdrawing its Alternate Bid.
5. Since the Alternate Bid includes the Base Bid work (which has been awarded under a separate contract) to determine the Alternate Bid price and contract amount one must deduct the Base Bid price which results in Casella Construction Inc. being the low bidder for Alternate Bid work (as adjusted).
6. Casella Construction Inc. has confirmed that its bid price for the Alternate Bid work (as adjusted) is \$3,274,000.00 dollars.

Based upon the foregoing findings, **IT IS RESOLVED**, that Casella Construction Inc.'s bid for the Alternate Bid work, as adjusted to deduct the bid price for the Base Bid work, in the amount of \$3,274,000.00 dollars is accepted and Casella Construction Inc. is awarded the contract for such work, and a copy of the bid tabulation is made a part of the minutes of this meeting.

By Councilor Jackson; Second by Councilor Carpenter

Discussion:

Councilor Rabideau asked if we had any insurance if the State was going to come through with the money.

Mayor Kasprzak said the press release is in the packet and that he had spoken to the Governor's office twice today.

Corporation Counsel Clute said we have the word of three high state officials who control the dispersal of the federal stimulus money. Money has been appropriated to the project and there is a zero percent interest rate so there is no burden on the general fund and tax payer during the project. When the project is finished the money will be transferred from the grant fund to pay for half the cost of the project and the other half the City will borrow from the Environmental facilities Corporation for a two year term.

Councilor Rabideau said so we have insurance from the Governor's office that this money will be given to the City for the record.

Councilor Jackson said the Governor issued a press release so he doesn't think he is going to go back on it. He would look foolish.

Councilor Rabideau asked if the press release is part of the record.

Mayor Kasprzak told Councilor Rabideau not to vote for it if he is uncomfortable.

Councilor Rabideau said it deserves asking questions.

Mayor Kasprzak said you have been given an answer and it seems you are not accepting.

Councilor Rabideau said he never said he didn't accept it.

Mayor Kasprzak said you've been given an answer and John Clute explained it to you and you still asked if it was part of the record, again.

Corporation Counsel Clute said its part of the minutes so its part of the record well covered

Councilor Rabideau said he didn't think it was that serious to ask another question about it

Mayor Kasprzak if you're uncomfortable the fact that the Governor hasn't personally written me a letter than don't support it. It's not a big deal.

Councilor Rabideau said he doesn't have to be told that. He can vote either way.

Mayor Kasprzak thanked Jon Ruff and John Clute for pursuing this and working with the officials. Thanks to Governor Paterson and his staff. Kasprzak is glad to see that the tax payers are going to benefit and that it will be less of a burden long term.

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION

- 1.** Request from SUNY Plattsburgh to have one way vehicular traffic on Rugar Street on Saturday August 22, 2009 from 7 A.M. to 7 P.M. to allow the students to move in.
- 2.** Request from the City Chamberlain to revise the appropriation \$1,348,000 to Capital Project 2009 General Street Resurfacing Project H5110.25.
- 3.** Request from the Community Development Office for the Common Council to authorize the Mayor to sign a grant agreement for HFTC Program Number 20093198 for \$500,000 with the New York State Division of Housing and Community Renewal under the HOME program for housing rehabilitation.
- 4.** Request from the Community Development Office for the Mayor to be approved to sign a mortgage subordination agreement for property purchased with the assistance of the Community Development Office housing revolving loan program funds.

5. THE MAYOR HANDS DOWN THE PROVISIONAL APPOINTMENT OF METER READER TO PAMELA STRONG EFFECTIVE AUGUST 10, 2009.

6. Request from Ramon Ramirez, a licensed vendor in the City of Plattsburgh to rent space on one of the vacant squares near Ashley's Furniture on Bridge Street until August 30, 2009.

10. NEW BUSINESS

Councilor Carpenter thanked the Mayor and all the people who were apart of the 2 million dollar grant.

Councilor Kelly said this was a problem we inherited and instead of passing it along to the next Council we dealt with it and it's a wonderful thing.

Mayor Kasprzak said that was a good point. We all have done an outstanding job.

Councilor Jackson said the Mayor's relationship that he built with the Governor's office is probably the only reason why we got it. State representatives were not a lot of help and that's discouraging.

Mayor Kasprzak said we all decided we were going to handle it and we did. It is something that worked out and I am pleased with it. Everyone deserves thanks.

Councilor Jackson referred back to the discussion on fixing the Charter. Jackson asked Corporation Counsel if a local law needs to be passed and put on the ballot to change the term section in the Charter.

Corporation Counsel Clute said not entirely. This proposal is changing the term of an elected officer which is subject to a mandatory referendum. Other Charter changes are subject to a permissive referendum, once acted its only required to go on the ballot if a percent of people who voted in the last election sign a petition requesting it be placed on the ballot.

Councilor Jackson said so we would need a certain amount of signatures to put a referendum on the ballot?

Councilor Calnon said if we pass a local law and no one objects than its inactive. They can over rule us but we don't need to have them.

Councilor Jackson said there are certain items that are mandatory for example changing the Charter to have term limits to say nine years in instead of eight years because the Council serves 3 years?

Corporation Counsel Clute said that would probably be mandatory. Clute has his own interpretation of a conflict that came about with terms which he will be send to the Council. There have been questions in the past.

Councilor Jackson said Councilor Calnon was right that there are other pieces that need immediate action. If we make changes we should take two or three points.

Mayor Kasprzak said we will bounce some dates around and have a work session.

11. CLOSING PUBLIC COMMENTS

None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Kelly

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 6:00 pm